

UNITED STATES DISTRICT COURT  
Northern District of California

TECHNOLOGY & INTELLECTUAL  
PROPERTY STRATEGIES GROUP PC,

Plaintiff,

v.

BASIL P. FTHENAKIS, *et al.*,

Defendants.

No. C 11-2373 MEJ

**ORDER DENYING PLAINTIFF'S  
MOTION FOR SANCTIONS**

**Dkt. No. 49**

On October 26, 2011, Plaintiff Technology & Intellectual Property Strategies Group PC filed a Motion for Sanctions, with a noticed hearing date of December 1, 2011. Dkt. No. 49. Pursuant to Civil Local Rule 7-1(b), the Court finds this matter suitable for disposition without oral argument and hereby VACATES the December 1 hearing. In its motion, Plaintiff directs the Court's attention to five statements Defendant Basil Fthenakis made in a declaration that it contends are false. Plaintiff argues that Defendant should be sanctioned for this alleged perjury with the dismissal with prejudice of his counterclaim. However, upon review of Plaintiff's motion, the Court finds that Plaintiff has not established any perjury; instead, it has shown that questions of fact exist regarding the termination form at issue in this case. Plaintiff's motion does not conclusively resolve these questions, which are properly resolved in the context of a summary judgment motion or trial. Accordingly, Plaintiff's motion is DENIED.

**IT IS SO ORDERED.**

Dated: October 31, 2011

  
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Maria-Elena James  
Chief United States Magistrate Judge